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#6

22 AUG 2006

SCHIFF HARDIN, LLP  
PATENT DEPARTMENT  
6600 SEARS TOWER  
CHICAGO, IL 60606-6473

In re Application of  
STRANDBERG et al.  
Application No.: 10/520,753  
PCT No.: PCT/SE03/00403  
Int. Filing: 11 March 2003  
Priority Date: 10 July 2002  
Attorney Docket No.: PO5,0014  
For: MEDICAL SYSTEM WITH A MULTI-DOT  
ELECTRODE, WHERE THE SUB-SIGNALS ARE  
COMBINED INTO A SYNTHETIC REFERENCE

DECISION ON  
RENEWED PETITION  
UNDER 37 CFR 1.47(a)

This is a decision on applicant's "Renewed Petition For Filing Under 37 CFR 1.47(a)", filed in the United States Patent and Trademark Office (USPTO) on 04 April 2006, to accept the application without the signature of joint inventor, Ulf Lindegren.

### BACKGROUND

On 10 January 2005, applicant filed a transmittal letter (PTO-1390) requesting entry into the national stage in the United States of America under 35 U.S.C. § 371. Filed with the Transmittal Letter was, *inter alia*, the requisite basic national fee.

On 27 June 2005, a Notification of Missing Requirements was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b) and in accord with 37 CFR 1.66 or 1.68 was required.

On 29 September 2005, applicant filed a petition under 37 CFR 1.47(a). The petition requested the acceptance of the application without the signature of inventor Ulf Lindegren, alleging that Mr. Lindegren refuses to sign the application.

On 02 February 2006, a decision dismissing the petition was mailed indicating that Petitioner had failed to provide sufficient evidence regarding Mr. Lindegren's refusal.

On 04 April 2006, Petitioner filed a renewed petition with a declaration of first-hand knowledge.

### DISCUSSION

A petition under 37 CFR §1.47(a) must be accompanied by (1) the fee under 37 CFR §1.17(g), (2) factual proof that the non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-

signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

Items (1) and (4) were previously satisfied.

Applicant has satisfied Item (2) with the statement of Elisabeth Stark, patent administrators in the Patent Department of St. Jude Medical AB, regarding her attempts to obtain the signature of inventor Ulf Lindegren. Ms. Stark states that a complete copy of the application (specification, claims, drawings and declaration) was sent to Mr. Lindegren at his last known address on 10 February 2006. A copy of the registered mail receipt indicating that Mr. Lindegren received the mailing was attached to and referenced in Ms. Stark's declaration. She further states that she "personally spoke with Mr. Lindegren by telephone" and he refused to sign the Declaration and Power of Attorney and the Assignment. Applicant has now provided sufficient evidence to conclude that Mr. Lindegren refuses to sign the application.

Item (3) is satisfied because Ms. Stark provided a statement of the last known address of non-signing inventor.

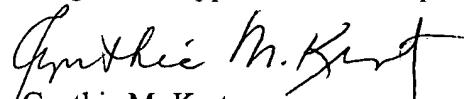
The evidence submitted supports a finding that the nonsigning inventor refuses to sign the application for the reasons set forth above. Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

### CONCLUSION

The petition under 37 CFR §1.47(a) is **GRANTED**.

The U.S. Designated/Elected Office is authorized to accept the application as a 37 CFR 1.47(a) application using the declaration filed 29 September 2005. The application has an international filing date of 11 March 2003 under 35 U.S.C. 363, and a date of 29 September 2005 under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventors at their respective last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.



Cynthia M. Kratz  
Attorney Advisor  
Office of PCT Legal Administration

Telephone: (571) 272-3286  
Facsimile (571) 272-0459



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ULF LINDEGREN  
ESSINGERINGEN 72 D  
112 64 STOCKHOLM  
SWEDEN

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Dear Mr. Lindegren:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. § 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Cynthia M. Kratz  
Attorney Advisor  
PCT Legal Office

Telephone: (571)272 -3286

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